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January 26, 2005

David Tobin
Assistant United States Attorney
U.S. Courthouse, Suite 9200
1 Courthouse Way
Boston, MA 02210

RE: U.S. v. Thomas Scola

Dear Dave,

Thank your for all of the information, but I need some help in deciphering the notes.

I need to know when or for what exhibits the chemist used the "laboratory bag" as opposed to subtracting the packaging the drugs came in. I have gone through all of the notes and it seems to me that the packaging weight varies from exhibit to exhibit - which it shouldn't if he used the standard lab bag.

I think the answer lies in an explanation of what the notes mean. I am attaching the pages from the lab notes. They are in the order in which you gave them to me. I have quoted the notes as best I could, indicating what I can't decipher or understand. I have also circled in red the information I can't decipher. It appears that Section 13 on the second page entitled Forensic Chemist Worksheet is where the notes about the weight are written.

Here are my issues/questions:

Ex. 19 : These were six capsules and it looks like they were not crushed. Were the drugs in that exhibit weighed in the capsules? I think the note is "----(can't decipher) was

heated (?) sealed in its original envelope w(with?) packaging + composite (?) vial." I don't know if I have the words right and if I do, I don't know what they mean. How much did each capsule weigh? Was the powder taken out of each capsule? The gross weight on this Exhibit is 25.5 grams. The net weight is 1.2 grams. This leads me to believe that the 6 capsules weighed 24.3 grams, or approximately 8 grams per capsule. Am I correct in these assumptions?

Ex. 24: These look like the six crushed capsules. What does "Pee" and "Pee/HS" mean? It looks like the section concerning the weight, No. 13 Reserve Evidence says: "It was heat sealed in its original envelope → original packaging + composite (?) ---(can't decipher). What does this mean? If the word composite is correct, it is repeated in the other lab reports. What is a composite Bag?

Ex. 70: In Section 13; "Ex 70 → 1 Pee/HS → packaging + composite (?) Bag → Et(?) (or is it Wt for weight?) " What does this mean?

Ex. 26: In Section 13; "It was heated (?) sealed in original Pee → original packaging + substitute bag with ----(can't decipher) → et(?)". What does this mean? Is this one of the weights where the standardized lab bag was used? Does this mean that the bag weighed 3.51 grams? (Difference between gross and net weight).

Ex. 29: In Section 13; "Ex 29 original Pee/HS → composite(?) Bag + original packaging → et(?)" What does this mean?

Ex. 32: In Section 13; "Ex 32 → original Pee/HS → composite (?) Bag + packaging → Et (?) " What does this mean?

Ex. 33: In Section 13; "Ex 33 → original Pee/HS → original packaging + composite (?) Bag → Et(?) " What does this mean?

Ex. 35: In Section 13; its partially cut off but it says " 1Pee/HS → packaging + composite (?) Bag → Et (?) What does this mean?

Ex. 36: In Section 13; "Exhibit 36 → 1 (or it could be /) Pee/HS → packaging + composite (?) Bag → Et (?)". What does this mean?

Ex. 38; In Section 13; "Exhibit 38 → 1 Pee/HS → packaging (?) + composite (?) Bag → Et (?)". What does this mean?

Ex. 40; In Section 13; "Ex 40 → Pee/HS → packaging + composite (?) Bag → Et(?)". What does this mean?

Ex. 57: In Section 13. "Exhibit 57 1 Pee/Hs → packaging = composite (?) Bag → Et (?)". What does this mean?

Ex. 60: In Section 13; "1 Pee/HS → packaging + composite(?) → Et (?)". What does this mean?

Ex. 63: Section 13; "Ex 67 pee/HS packaging + comp → (can't decipher) Bag → Et(?)". What does this mean?


Ex. 64: section 13; "Exhibit 64 → 1Pee/HS → packaging + composite (?) bag." What does this mean?

I think if I understood the chemist's writing and an explanation of the short hand explanations he uses, I would know how each exhibit was weighed and could proceed from there.

Also, I think your letter confused Exhibit 19 with Exhibit 24 or were there two exhibits with capsules in which the capsules were crushed?

Thank you for your assistance in this matter. As you know, the weight in this case is a critical issue and it is very important that the manner in which the drugs were weighed is clear.

Very truly yours,


Janice Bassil


cc: counsel of record
Thomas Scola

U.S. DEPARTMENT OF JUSTICE - DRUG ENFORCEMENT ADMINISTRATION

FORENSIC CHEMIST WORKSHEET

Page () of ()

RECEIVED		3. SEALS	4. FILE NO./EXHIBIT NO./LAB NO.
1. FROM D. Michael	2. DATE 1/14/04	<input checked="" type="checkbox"/> Intact <input type="checkbox"/> Broken <input type="checkbox"/> None	EX 19 CL-03-0207 / 16/782
5. DESCRIPTION OF EVIDENCE			

EX 19 - 1 Pee/Hs → a small clear plastic bag →
 6 clear gelatin capsules w tan powder. Each capsules
 was usual shaped w powder , no markings

6. SUMMARY OF FINDINGS

Exhibit 19 contains heroin (Salt undetermined)
 And Procaine (Salt undetermined)
 Gross wt = 25.5g net wt = 0.85g RG
 Net wt 1.2g (6 capsules)

7. EXH. NO.	8. LAB. NO.	9. ACTIVE DRUG INGREDIENT	10. QUANTITATIVE RESULTS	11. AMT. OF PURE DRUG	12. RESERVE
19	161782	heroin (calculated as the hydrochloride salt)	170%	0.14g	0.56g RG
			24.1mg/cap	0.14g	0.84g (3.9 caps)

13. RESERVE EVIDENCE

Off was sealed sealed in its original envelope w packaging +
 composite vial

14. FORENSIC CHEMIST'S SIGNATURE

Roger W. Rodano

15. DATE REPORTED

1/20/04

16. REVIEWED BY (Initials) & DATE

RM 1/21/04

17. REMARKS

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FORENSIC CHEMIST WORKSHEET

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3. SEALS

4. FILE NO./EXHIBIT NO./LAB NO.

1. FROM

2. DATE

☒ Intact☐ Broken☐ None

CC-03-0207 / 24 / 162056

5. DESCRIPTION OF EVIDENCE

EX24 → a Pee / HS with several crush capsules. I was unable to count them. The powder was loose in the Pee. The crushed capsules were clean gelatin, usual shaped it appear that they original contained the ^{tan} loose powder.

6. SUMMARY OF FINDINGS

Exhibit 24 contains heroin, procaine lidocaine and caffeine (Salt undetermined).
 Gross wt = 25.5g Net wt = 0.77g

7. EXH. NO.	8. LAB. NO.	9. ACTIVE DRUG INGREDIENT	10. QUANTITATIVE RESULTS	11. AMT. OF PURE DRUG	12. RESERVE
24	162056	heroin (Calc as the hydrochloride salt.)	7.87%	0.060g	0.100g

13. RESERVE EVIDENCE

It was heat sealed in its original envelope → original packaging + computer mail

14. FORENSIC CHEMIST'S SIGNATURE

15. DATE REPORTED

16. REVIEWED BY (Initials) & DATE

17. REMARKS

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FORENSIC CHEMIST WORKSHEET

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RECEIVED		3. SEALS		4. FILE NO./EXHIBIT NO./LAB NO.	
1. FROM L. Palmieri	2. DATE 4/23/04	<input checked="" type="checkbox"/> Intact	<input type="checkbox"/> Broken	<input type="checkbox"/> None	CC-03-0207 / 70 / 164315
5. DESCRIPTION OF EVIDENCE					

Pee 145 → a triple clear plastic bag secured w/ knots →
6 pellets of compressed powder and loose powder (light brown in color)

6. SUMMARY OF FINDINGS

Exhibit 70 contains heroin hydrochloride and
propane (salt undetermined)

Gross wt 84.2g net wt = 48.0g

7. EXH. NO.	8. LAB. NO.	9. ACTIVE DRUG INGREDIENT	10. QUANTITATIVE RESULTS	11. AMT. OF PURE DRUG	12. RESERVE
70	164315	heroin hydrochloride	28%	13.4g	47.6g

13. RESERVE EVIDENCE

Ex 70 → (Pee 145) → packaging + (Compressed bag) (SE)

14. FORENSIC CHEMIST'S SIGNATURE Rogers Dodina	15. DATE REPORTED 4/27/04	16. REVIEWED BY (initials) & DATE Jm 4/29/04
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17. REMARKS

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FORENSIC CHEMIST WORKSHEET

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RECEIVED		3. SEALS		4. FILE NO./EXHIBIT NO./LAB NO.	
1. FROM Imelo	2. DATE 11/29/04	<input checked="" type="checkbox"/> Intact	<input type="checkbox"/> Broken	<input type="checkbox"/> None	CC-03-0207/26/162259

5. DESCRIPTION OF EVIDENCE

EX26 → 1 Pee 145 → a ^{double} clean plastic bag With light Brown powder secured in a knot.

6. SUMMARY OF FINDINGS

Exhibit 26 contains heroin and procaine
(Salt ^{for} ^{for} forms undetermined)

Gross wt = 30.7g
net wt = 4.7g

7. EXH. NO.	8. LAB. NO.	9. ACTIVE DRUG INGREDIENT	10. QUANTITATIVE RESULTS	11. AMT. OF PURE DRUG	12. RESERVE
26	162259	heroin (Calculated as the hydrochloride salt)	1707°	0.79g	4.3g

13. RESERVE EVIDENCE

It was heated sealed in original Pee → original packaging & Substitute Bag with compacts → et

14. FORENSIC CHEMIST'S SIGNATURE Roger W. Goddard	15. DATE REPORTED 2/04/04	16. REVIEWED BY (Initials) & DATE JH 2/5/04
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17. REMARKS

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FORENSIC CHEMIST WORKSHEET

Page 1 of 1

RECEIVED		3. SEALS		4. FILE NO./EXHIBIT NO./LAB NO.	
1. NAME OF AGENT	2. DATE	<input checked="" type="checkbox"/> Intact <input type="checkbox"/> Broken <input type="checkbox"/> None		CC-03-0207 / 29 / 162412	
2/02/04		2/02/04			
DESCRIPTION OF EVIDENCE					
EX 29 - a double clear plastic bag w / a light brown powder secured by a knot.					

6. SUMMARY OF FINDINGS

Exhibit 29 contains heroin and procaine
(Salt forms undetermined).

Gross wt = 33.8g
Net wt = 7.9g

7. EXH. NO.	8. LAB. NO.	9. ACTIVE DRUG INGREDIENT	10. QUANTITATIVE RESULTS	11. AMT. OF PURE DRUG	12. RESERVE
29	162412	heroin HEROIN (Calc as the hydrochloride salt)	9.707g	0.76g	7.6g

13. RESERVE EVIDENCE

EX 29 original see 1H → Compound Bag + original packaging RET

14. FORENSIC CHEMIST'S SIGNATURE

Roger W. Dodson

15. DATE REPORTED

2/05/04

16. REVIEWED BY (Initials) & DATE

2/5/04

17. REMARKS

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FORENSIC CHEMIST WORKSHEET

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RECEIVED		3. SEALS		4. FILE NO./EXHIBIT NO./LAB NO.	
1. FROM D. Michael	2. DATE 2/23/04	<input checked="" type="checkbox"/> Intact	<input type="checkbox"/> Broken	<input type="checkbox"/> None	CC-03-0207/32/162591
5. DESCRIPTION OF EVIDENCE					

Ex 32 → (Pee/Hs) → a double clean plastic bag secured in knots
The bag contained a light brown powder

6. SUMMARY OF FINDINGS

Exhibit 32 contains heroin ^{RG} (salt undetermined) and
propane (salt undetermined)

Gross wt = 39.4g

net wt = 12.8g

7. EXH. NO.	8. LAB. NO.	9. ACTIVE DRUG INGREDIENT	10. QUANTITATIVE RESULTS	11. AMT. OF PURE DRUG	12. RESERVE
32	162591	heroin (Calculated as the hydrochloride salt)	3390	4.2g	12.4g

13. RESERVE EVIDENCE

Ex 32 → (Original Pee/Hs) → (Composite Bag + packaging) (ET)

14. FORENSIC CHEMIST'S SIGNATURE Roger W. Dodino		15. DATE REPORTED 2/27/04	16. REVIEWED BY (Initials) & DATE YH 3/1/04
17. REMARKS 9200.900 8224.900			

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U.S. DEPARTMENT OF JUSTICE - DRUG ENFORCEMENT ADMINISTRATION

FORENSIC CHEMIST WORKSHEET

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RECEIVED

3. SEALS

4. FILE NO./EXHIBIT NO./LAB NO.

1. FROM

2. DATE

5. DESCRIPTION OF EVIDENCE

☒ Intact☐ Broken☐ None

CC-03-0207/33/162894

EX 33 → Pee HHS → a double clear plastic bag secured
 w/ knot. It contains a brown powder.

6. SUMMARY OF FINDINGS

Exhibit 33 contains heroin hydrochloride
 and procaine hydrochloride

Gross wt = 39.4g

Net wt = 12.7g

7. EXH. NO.	8. LAB. NO.	9. ACTIVE DRUG INGREDIENT	10. QUANTITATIVE RESULTS	11. AMT. OF PURE DRUG	12. RESERVE
33	162894	heroin hydrochloride	389°	4.8g	12.3g

13. RESERVE EVIDENCE

Exhibit 33 → original Pee HHS → original packaging + Compart Bag

14. FORENSIC CHEMIST'S SIGNATURE

15. DATE REPORTED

16. REVIEWED BY (Initials) & DATE

17. REMARKS

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U.S. DEPARTMENT OF JUSTICE - DRUG ENFORCEMENT ADMINISTRATION

FORENSIC CHEMIST WORKSHEET

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RECEIVED		3. SEALS	4. FILE NO./EXHIBIT NO./LAB NO.
1. FROM Palmuntee	2. DATE 2/26/04	<input checked="" type="checkbox"/> Intact <input type="checkbox"/> Broken <input type="checkbox"/> None	CC-03-0207/35/162970
5. DESCRIPTION OF EVIDENCE			

EX 35 → Pee 1HS → a double clear plastic bag with a light brown powder, secured in a knot.

6. SUMMARY OF FINDINGS

EX 35 contains heroin hydrochloride and procaine hydrochloride

Gross wt = 35.0g
net wt = 9.7g

7. EXH. NO.	8. LAB. NO.	9. ACTIVE DRUG INGREDIENT	10. QUANTITATIVE RESULTS	11. AMT. OF PURE DRUG	12. RESERVE
35	162970	heroin hydrochloride	34.76	3.2g	9.3g

13. RESERVE EVIDENCE

net Pee 1HS → packaging + composite bag → Et

14. FORENSIC CHEMIST'S SIGNATURE

Rogelio Dodena

15. DATE REPORTED

3/8/04

16. REVIEWED BY (Initials) & DATE

JM 3/9/04

17. REMARKS

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FORENSIC CHEMIST WORKSHEET

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RECEIVED		3. SEALS		4. FILE NO./EXHIBIT NO./LAB NO.	
1. FROM Ihilo	2. DATE 3/17/04	<input checked="" type="checkbox"/> Intact <input type="checkbox"/> Broken <input type="checkbox"/> None		CC-03-0207/36/162112	
5. DESCRIPTION OF EVIDENCE					

Ex 36 → 1 pec / H₃ → a clear plastic Bag of brown powder

6. SUMMARY OF FINDINGS

Exhibit 36 contains heroin (salt undetermined)
 And Propane (Salt undetermined)
 Gross wt = 34.2g
 Net wt = 7.7g

7. EXH. NO.	8. LAB. NO.	9. ACTIVE DRUG INGREDIENT	10. QUANTITATIVE RESULTS	11. AMT. OF PURE DRUG	12. RESERVE
36	763112	heroin (Cole as the hydrochloride salt)	250%	19g	7.3g

13. RESERVE EVIDENCE

Exhibit 36 → 1 Pec / H₃ → packaging + compact Bag → 1st

14. FORENSIC CHEMIST'S SIGNATURE Roger W. Godeno	15. DATE REPORTED 3/17/04	16. REVIEWED BY (Initials) & DATE Jm 3/18/04
17. REMARKS 9200.005 8224.900		

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FORENSIC CHEMIST WORKSHEET

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RECEIVED		3. SEALS		4. FILE NO./EXHIBIT NO./LAB NO.	
1. NAME Fmulo	2. DATE 3/26/04	<input checked="" type="checkbox"/> Intact <input type="checkbox"/> Broken <input type="checkbox"/> None		CC-03-0207 38 163376	
DESCRIPTION OF EVIDENCE Exhibit 38 → (Pec/Hs) → a clear plastic bag w tan powder					

6. SUMMARY OF FINDINGS

Exhibit 38 contains heroin hydrochloride and procaine
 Gross wt = 34.7g
 Net wt = 7.5g
 (Salt undetermined)

7. EXH. NO.	8. LAB. NO.	9. ACTIVE DRUG INGREDIENT	10. QUANTITATIVE RESULTS	11. AMT. OF PURE DRUG	12. RESERVE
38 163376 Per	163376	heroin hydrochloride	18070	1.3g	7.1g

13. RESERVE EVIDENCE

Exhibit 38 → (Pec/Hs) → packing + (Syringe Bag) → (CA)

14. FORENSIC CHEMIST'S SIGNATURE

Rogers Rodino

15. DATE REPORTED

4/01/04

16. REVIEWED BY (initials) & DATE

JH 4/2/04

17. REMARKS

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U.S. DEPARTMENT OF JUSTICE - DRUG ENFORCEMENT ADMINISTRATION

FORENSIC CHEMIST WORKSHEET

Page 1 of 1

RECEIVED

3. SEALS

4. FILE NO./EXHIBIT NO./LAB NO.

FROM

2. DATE

☒ Intact☐ Broken☐ None

CC-03-0207 / 40 / 163544

5. DESCRIPTION OF EVIDENCE

EX 40 → (See IHS) → a double clear plastic baggie secured in a pint container containing a light brown powder

6. SUMMARY OF FINDINGS

Exhibit 40 contains heroin (Salt undetermined) and procaine (Salt undetermined)

Gross wt = 58.6g
Net wt = 7.5g

7. EXH. NO.	8. LAB. NO.	9. ACTIVE DRUG INGREDIENT	10. QUANTITATIVE RESULTS	11. AMT. OF PURE DRUG	12. RESERVE
40	163544	heroin (Calc as the Hydrochloride Salt)	9.970	0.74g	6.8g

13. RESERVE EVIDENCE

EX 40 → (See IHS) → packaging + Composite Bag → (Et)

14. FORENSIC CHEMIST'S SIGNATURE

15. DATE REPORTED

16. REVIEWED BY (Initials) & DATE

17. REMARKS

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U.S. DEPARTMENT OF JUSTICE - DRUG ENFORCEMENT ADMINISTRATION

FORENSIC CHEMIST WORKSHEET

Page 1 of 1

RECEIVED

2. DATE

4/7/04

3. SEALS



Intact



Broken



None

4. FILE NO./EXHIBIT NO./LAB NO.

CC-03-0207/57/163757

DESCRIPTION OF EVIDENCE

→ (Pee/HS) → a clear plastic Bag secured in a knot, containing a tan powder in it.

6. SUMMARY OF FINDINGS

Exhibit 57 contains heroin hydrochloride and procaine (Salt undetermined)

Gross wt = 36.9g
Net wt = 9.2g

7. EXH. NO.	8. LAB. NO.	9. ACTIVE DRUG INGREDIENT	10. QUANTITATIVE RESULTS	11. AMT. OF PURE DRUG	12. RESERVE
57	163757	heroin hydrochloride	13070	1.1g	8.9g

13. RESERVE EVIDENCE

Exhibit 57 (Pee/HS) packaging + Composite Bag + Et

14. FORENSIC CHEMIST'S SIGNATURE

Roger W. Rodano

15. DATE REPORTED

4-9-04

16. REVIEWED BY (Initials) & DATE

JM 4/12/04

17. REMARKS

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4/13/04

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FORENSIC CHEMIST WORKSHEET

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RECEIVED		3. SEALS		4. FILE NO./EXHIBIT NO./LAB NO.	
1. FROM Dmehel	2. DATE 4-8-04	<input checked="" type="checkbox"/> Intact	<input type="checkbox"/> Broken	<input type="checkbox"/> None	CC-03-0207 / 60 / 163867
5. DESCRIPTION OF EVIDENCE					

EX 60 → Pee / HS → a crinkled clear plastic Bag secured in a knot with light brown powder

6. SUMMARY OF FINDINGS

Exhibit 60 contains ^{contain} heroin (salt undetermined) and proaine (Salt undetermined)
 Gross wt = 34.6g
 Net wt = 8.1g

7. EXH. NO.	8. LAB. NO.	9. ACTIVE DRUG INGREDIENT	10. QUANTITATIVE RESULTS	11. AMT. OF PURE DRUG	12. RESERVE
60	63867	Proaine (Calculated as the hydrochloride salt)	1190	0.89g	7.7g

13. RESERVE EVIDENCE

Pee / HS → packaging + comparative 59+

14. FORENSIC CHEMIST'S SIGNATURE Rogerio Hernandez	15. DATE REPORTED 4-12-04	16. REVIEWED BY (Initials) & DATE JH 4/14/04
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17. REMARKS

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U.S. DEPARTMENT OF JUSTICE - DRUG ENFORCEMENT ADMINISTRATION

FORENSIC CHEMIST WORKSHEET

Page 1 of 1

RECEIVED		3. SEALS	4. FILE NO./EXHIBIT NO./LAB NO.
1. FROM I mls	2. DATE 4-9-04	<input checked="" type="checkbox"/> Intact <input type="checkbox"/> Broken <input type="checkbox"/> None	CC-03-0207/63/163925
5. DESCRIPTION OF EVIDENCE			

EX 63 → (Pee 1HS) → a double clear plastic bags secured in a knot, containing a tan powder.

6. SUMMARY OF FINDINGS

Exhibit 63 contains heroin (Salt undetermined) ^{Trace of Cocaine (Salt + Est. Undetermined)} _{Hyproane} (Salt undetermined) and aceta minophen.

Gross wt = 35.1g
Net wt = 8.9g

7. EXH. NO.	8. LAB. NO.	9. ACTIVE DRUG INGREDIENT	10. QUANTITATIVE RESULTS	11. AMT. OF PURE DRUG	12. RESERVE
63	163925	heroin (Calcd as hydrochloride salt)	1290	1.0g	8.5g
	163925	Cocaine	Trace Re		

13. RESERVE EVIDENCE

Ex 63 (Pee 1HS) → packaging + Compartment Bag → Est

14. FORENSIC CHEMIST'S SIGNATURE

Roger W. Dodson

15. DATE REPORTED

4/12/04

16. REVIEWED BY (Initials) & DATE

JH 4/19/04

17. REMARKS

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U.S. DEPARTMENT OF JUSTICE - DRUG ENFORCEMENT ADMINISTRATION

FORENSIC CHEMIST WORKSHEET

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RECEIVED		3. SEALS	4. FILE NO./EXHIBIT NO./LAB NO.
1. FROM L Palminteri	2. DATE 4-13-04	<input checked="" type="checkbox"/> Intact <input type="checkbox"/> Broken <input type="checkbox"/> None	CL-03-0207/64/164154
5. DESCRIPTION OF EVIDENCE			

EX 64 → a double clear plastic bag knotted → fine ^{Light} Brown powder

6. SUMMARY OF FINDINGS

Exhibit 64 contains heroin _{Re} (Salt undetermined)
 Propane (Salt undetermined) and acamemophen
 Gramwt = 34.8g
 Netwt = 8.1g

7. EXH. NO.	8. LAB. NO.	9. ACTIVE DRUG INGREDIENT	10. QUANTITATIVE RESULTS	11. AMT. OF PURE DRUG	12. RESERVE
64	164154	heroin (Calculated as the hydrochloride salt)	1490	1.1g	7.7g

13. RESERVE EVIDENCE

Exhibit 64 → (Ree/HIS) packaging + (Composite) bag.

14. FORENSIC CHEMIST'S SIGNATURE Rogers Rodino	15. DATE REPORTED 4/21/04	16. REVIEWED BY (Initials) & DATE for 4/23/04
17. REMARKS 9200.900 8224.900 8102.000		